

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION

CECIL WILLIAM HOWARD,

Petitioner,

CASE NO. 3:08-cv-424

-VS-

District Judge Timothy S. Black  
Magistrate Judge Michael J. Newman

WARDEN, Lebanon Correctional  
Institution,

Respondent.

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JUDGMENT IN A CIVIL CASE

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☐ **Jury Verdict:** This action came before the Court for a trial by jury. The issues have been tried and the Jury has rendered its verdict.

☒ **Decision by Court:** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered,

**IT IS ORDERED AND ADJUDGED** that the Respondent's Objections (Doc. 38) are **SUSTAINED**; the Report and Recommendations (Doc. 35) of the United States Magistrate Judge is **NOT ADOPTED** with regard to Ground One of the Petitioner's Amended Petition and is **ADOPTED** with regard to Grounds Two, Three, Four and Five of the Amended Petition; the Petitioner's Amended Petition for Writ of Habeas Corpus (Doc. 21) is **DENIED**; a Certificate of Appealability and Leave to Appeal *in forma pauperis* is **GRANTED**; and that the case is **CLOSED**.

Date: February 7, 2012

**JAMES BONINI, CLERK**

By: s/ M. Rogers  
Deputy Clerk